

REMARKS

Claims 2, 3, 10, 13, 15 and 17-32 are all the claims pending in the application. By this Amendment, new claims 28-32 are added.

Claims 15, 17, 22 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Abe (U.S. Patent No. 5,568,194). For at least the following reasons, Applicant respectfully submits that the rejections of the claims are traversed.

Claim 15 recites an image processing method of carrying out image processing on a digital image signal “wherein the characteristic value is extracted from a thumbnail image signal of each of the digital image signals; wherein each of the thumbnail image signals comprises a reduced size image of its respective image of the plurality of images; and wherein each of the thumbnail image signals produces an image duplicative of its respective image of the plurality of images and having a reduced physical appearance in relation to its respective image of the plurality of images.” The Examiner contends that Abe discloses the claimed thumbnail images.

Applicant respectfully submits that, in attempting to justify his contention that Abe discloses the claimed thumbnail images, the Examiner misinterprets the teachings of Abe.

The Examiner contends that “Abe teaches that an image is compressed by dividing a high resolution image into a plurality of 8x8 blocks of pixels.” Office Action at page 2. Abe does not teach that the image is “compressed” when forming the 8X8 blocks. Abe discloses that “one image's worth of pixel data is divided into N blocks, each of which is composed of an 8X8 matrix of pixels.” Col. 3, lines 27-28 (emphasis added). Accordingly, Abe clearly discloses that the image is merely divided into blocks, not “compressed” as contended by the Examiner.

In addition, the Examiner contends that “Abe teaches that all of the pixels in a given 8x8 block are averaged to get an average value which is characteristic of the 8x8 block of pixels.” Office Action at page 2. Abe, however, does not teach the “averaging” of pixel values in the 8X8 blocks. Abe discloses that “a representative pixel [is obtained] (for example, (3,4)) in each block ... [and] it is supposed that this representative pixel shows an average luminance value of the block.” Col. 3, lines 61-63 (emphasis added). Accordingly, Abe clearly discloses that a representative pixel from each block is selected, not that the values of the block are “averaged.” Although, the representative pixel “is supposed” to show an average value, there is no disclosure or suggestion that it must be an average value or that it is corrected to be the average value. Accordingly, Abe does not disclose or suggest that the 8X8 blocks are averaged as contended by the Examiner.

Because Abe does not disclose or suggest that any “compression” or “averaging” is done on the original image signal as contended by the Examiner or that the original signal is reduced to form a smaller image that is representative of the original image, Abe does not and cannot disclose a thumbnail image as interpreted by one skilled in the art.

Although claim language should be given its broadest reasonable interpretation, the interpretation must also be consistent with one that one skilled in the art would reach. MPEP at 2100-47. The mere fact that Abe discloses using unaltered pixel values that are representative of a group of pixels in a correction process does not suggest to one skill in the art that these pixels are a thumbnail image since the pixels are never used to form a smaller representative image. Accordingly, Abe does not disclose or suggest all the elements of claim 13 as is required for a rejection under §102.

Claims 17, 22 and 26 are patentable at least by virtue of their dependency.

Claims 2, 3, 19, 20 and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Terashita (U.S. Patent No. 5,767,983).

Applicant submits that claim 2, 19 and 20 are patentable because Terashia does not disclose or suggest $R' = R + k1 (Gave - Rave) + k2 (Gi - Bi)$; $G' = G$; and $B' = B + k1 (Gave - Bave) + k2 (Gi - Bi)$, as recited in the claims.

Claims 3 and 27, which depend from claim 2, are patentable for at least the reasons submitted for claim 2.

New claims 30, 31 and 32, which respectively depend from claims 2, 19 and 20, are patentable for at least the reasons submitted for their respective base claims. In addition, claims 30, 32 and 32 are patentable because “wherein the image processing is carried out on each of the plurality of images used in obtaining the characteristic value” is not disclosed or suggested by Terashita since Terashita uses a reference image in obtaining the characteristic value but does not process this image.

Claim 10 is rejected under 35 U.S.C. § 102(e) as being anticipated by Nakamura (U.S. Patent No. 5,917,578).

Claim 10 recites “an image processing method of carrying out image processing on a digital image signal, the image processing method comprising extracting a characteristic value representing a characteristic of an image sensing device from digital image signals of a plurality of images of subjects photographed by the image sensing device.” (emphasis added). The Examiner contends that Nakamura discloses this feature.

Nakamura discloses that magnetic tracks S1 and S2 are used to convey information with respect to camera type, film type and related information (col. 5, line 55 to col. 6, line 31, Fig. 2). There is no disclosure or suggestion that any information within the image is used to extract a characteristic value of the image signal. The Examiner's reliance of embodiment 4 (col. 3, lines 41-45) is misplaced since this embodiment also requires that an "image [be] photographed and recorded on a photographic film" (col. 3, lines 43-44). Applicant respectfully submit that Nakamura does not disclose or suggest at least "extracting a characteristic value representing a characteristic of an image sensing device from digital image signals of a plurality of images," as set forth in claim 10 (emphasis added).

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Ishikawa et al. (U.S. Patent No. 5,682,573).

Because Ishikawa does not cure the deficient teachings of Abe given above with respect to claim 15, claim 18 is patentable at least by virtue of its dependency.

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Terashita.

Because Terashita and Nakamura (taken alone or in combination) does not disclose obtaining a characteristic value from digital image signals that is a value regarding chroma, claim 13 is patentable at least by virtue of its dependency.

Claims 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terashita in view of Nakamura.

Because Nakamura does not disclose or suggest extracting from digital images the respective subject matter of claims 23-25 and for at least the reasons analogous to those given above with respect to claim 20, Terashita in view of Nakamura does not disclose or suggest the subject matter of claims 23-25.

New claims 28-32 are added to more fully claim the invention and are patentable for at least the reasons submitted for their respective base claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



CHRISTOPHER LIPP 41,157

for Susan Perng Pan
Registration No. 41,239

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 20, 2005